

## **REMARKS**

Applicant has carefully reviewed and considered the Final Office Action mailed on July 11, 2005, and the references cited therewith.

Claims 1-4, 8-11, 15, and 18 are amended, and no claims are canceled or added; as a result, claims 1-20 are now pending in this application.

### **Interview Summary**

Applicant thanks the Examiner for generously contributing time during a telephone interview on August 2, 2005. Applicant has endeavored to incorporate the comments thoughtfully provided by the Examiner during the conversation to better articulate and distinguish allowable aspects of the present application.

### **§102 Rejection of the Claims**

Claims 1, 2, 5-9, 12-17, 19, and 20 were rejected under 35 USC §102(e) as being anticipated by Okimoto, et al. (U.S. Patent No. 6,160,631).

Applicant does not admit that the Okimoto reference is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless, in the interest of furthering prosecution, Applicant has amended claims 1-4, 8-11, 15, and 18.

The Okimoto reference appears to describe an intended result that occurs only after issuing a command for beginning an operation, instead of “delaying issuing a command for beginning an operation”, as recited in claims 1, 8, and 15, as amended, in the present application. Sections cited by the Examiner in the previous Office Action, that is, col. 10, lines 6-14, col. 11, lines 3-14, col. 11, line 15 through col. 12, line 15, and col. 13, line 66 through col.14., line 33, appear to illustrate that action is only taken after the user’s computer has been issued a print command, the print driver creates print data, the print driver issues a mail transmission command to the print mail transmission utility, which creates a print mail command and transmits the print mail command to the SMTP server, the previous operations being followed by several other operations before the print mail transmission settings screen requests the user to input settings for the date and time when the print data is desired to be printed at the destination.

In contrast, Applicant's independent claims 1, 8, and 15, as amended, recite "delaying issuing a command for beginning an operation" and "the delay criteria include both a time and a particular situation."

As such, Applicant respectfully submits that independent claims 1, 8 and 15 are not anticipated because each and every element and limitation is not present in the Okimoto reference. Reconsideration and withdrawal of the 102 rejection is respectfully requested for independent claims 1, 8, and 15, as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 3, 10, and 18 were rejected under 35 USC §103(a) as being unpatentable over Okimoto, et al. (U.S. Patent No. 6,160,631) in view of Smith, et al. (U.S. Patent No. 6,359,642).

Claims 3, 10, and 18 depend from independent claims 1, 8, and 15, respectively. For the reasons provided above, the Okimoto reference does not describe, teach or suggest each and every element and limitation of the independent claims 1, 8, and 15, as amended.

Smith does not cure the deficiencies of the Okimoto reference. That is, Smith does not describe, teach or suggest "delaying issuing a command for beginning an operation" and "the delay criteria include both a time and a particular situation".

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejections of dependent claims 3, 10, and 18.

Claims 4, 11, 18, 21, and 22 were rejected under 35 USC §103(a) as being unpatentable over Okimoto (U.S. Patent No. 6,160,631) in view of Mitsutake, et al. (U.S. Patent No. 6,240,460).

Claims 4, 11, and 18 each depend from independent claims 1, 8, and 15, respectively. For the reasons provided above, the Okimoto reference does not describe, teach or suggest each and every element and limitation of the independent claims 1, 8, and 15, as amended.

Mitsutake does not cure the deficiencies of the Okimoto reference. That is, Mitsutake does not describe, teach or suggest "delaying issuing a command for

beginning an operation” and “the delay criteria include both a time and a particular situation”.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejections of dependent claims 4, 11, and 18. Claims 21 and 22 were canceled previously.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AF** Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 18<sup>th</sup> day of August, 2005.

Sarah L. Reinhard  
Name

Sarah L. Reinhard  
Signature

Respectfully Submitted,  
Travis J. Parry

By his Representatives,

BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: [Signature]  
Edward J. Brooks III  
Reg. No. 40,925

Date: 8/18/2005